



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,164	06/15/2001	Steponas Dziugys	67064	9384

22242 7590 02/28/2006

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

HESS, DOUGLAS A

ART UNIT PAPER NUMBER

3651

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,164	Applicant(s) DZIUGYS ET AL.	
	Examiner Douglas A. Hess	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/16/02</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Boyce FIG. 1, ACKLEY cover sheet</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the symmetric axes" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 13-15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyce et al. USP 5,996,768.

See the attached marked up drawing figure 1 of Boyce et al. depicting the claimed features.

Art Unit: 3651

4. Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bross et al. USP 4,308,942.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce (above) in view of Lefebvre USP 6,419,969.

Boyce teaches the claimed method as pointed out in the above paragraph. Boyce fails to teach a container with an adjustable shutter member. Lefebvre teaches an apparatus including a hopper 9 which is adjustable and with a vibrating member as discussed in his spec column 12,

Art Unit: 3651

lines 58-64, (“a hopper with an adjustable opening directed over the roller and linked to a vibrator”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adjustable shutter opening on the device of Boyce as suggested by Lefebvre, in order to regulate the flow of articles into the rotating cylinder.

8. Claims 4-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce et al. in view of Ackley USP 4,308,942.

Boyce et al. Teaches the claimed invention as outlined above. Boyce fails to disclose the adjustable cover, the claimed sidewalls, and the vibrating support. Ackley teaches similar apparatus as Boyce, Ackley’s device (see attached marked up cover sheet of Ackley) does disclose sidewalls 14, a support 11 capable of providing a vibration, and an adjustable connection 21, 21 for his cover 20.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to utilize a multiple sidewalls as taught by Ackley on the device of Boyce in order to provide a higher production with a lower error rate by keeping the articles in a proper order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a vibrating/rotating support as taught by Ackley on the device of Boyce in order to stop feeding articles to the cylindrical feeder as suggested by Ackley for maintenance purposes. Further more see the above reference to LeFebvre and his mention of a commonly used vibrator in this environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adjustable cover as taught by Ackley on the device of Boyce, in order to accommodate different size articles as suggested by Ackley.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce in view of Ackley as applied to claim 16 above, and further in view of Bross USP 3,789,575.

Boyce in view of Ackley fails to teach a scraping means which intrudes a peripheral groove which is deeper than a recess for holding an article. Bross teaches a peripheral groove 70 which is cut deeper than the recess 68 and this groove 70 interacts with a reciprocating scraping/pushing means for loosening the article before the article falls onto the moving element. It would have been an obvious matter of design choice, based on design characteristics of the type of articles being conveyed and the types of materials the conveyors are made of as to how the two interact and the matter of whether a scraper/pusher is needed. Bross teaches such a device in order to aid the removal of the articles, the same as the applicant. Also, Bross teaches a reciprocating instead of a rotatable scraping means. This also would have been an obvious matter of design choice since both elements are used to functionally perform the same act. Furthermore the claims do not structurally deny the reciprocating motion in lieu of the applicant's rotating scraper.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bross (above) in view of Boyce et al. (above).

Art Unit: 3651

Bross teaches the claimed method as outlined above regarding claims 20 and 22, however, Bross fails to teach the method step of sweeping away excess granular material. Boyce et al. Teaches a brush 14 for stripping away excess material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the brush of Boyce et al. on the device of Bross for performing the method step of sweeping access material away from a recess to prevent a loss of material as suggested by Boyce et al.

Conclusion

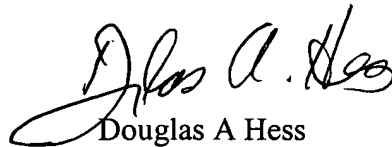
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Douglas A Hess
Primary Examiner
Art Unit 3651
2/23/06

DAH
February 23, 2006

[54] **SINGLE DRUM MATERIAL ORIENTATION APPARATUS AND METHOD**

[76] Inventor: Michael Ackley, 1273 N. Church St., Moorestown, N.J. 08057

[21] Appl. No.: 89,190

[22] Filed: Oct. 29, 1979

[51] Int. Cl.³ B65G 47/24

[52] U.S. Cl. 198/380; 101/40; 198/393; 198/397; 198/408; 221/173

[58] Field of Search 198/380, 392, 407, 384, 198/393, 397, 385, 386, 408; 101/35-40, 426; 221/171-173

[56] **References Cited**

U.S. PATENT DOCUMENTS

2,785,786 3/1957 Bartlet 198/398
3,871,295 3/1975 Ackley 221/173 X

Primary Examiner—Robert B. Reeves
Assistant Examiner—Douglas D. Watts

Attorney, Agent, or Firm—Weiser, Stapler & Spivak

[57] **ABSTRACT**

An apparatus for transferring, in a substantially uniform manner, a plurality of shaped objects, such as tablets, from a hopper adapted to contain a plurality of the tablets to a conveyor system for subsequent processing comprising a transfer drum in rotary arrangement relative to the hopper, adapted to receive the tablets within a plurality of peripherally spaced cavities having a substantially radially aligned pocket and a communicating, substantially longitudinally aligned pocket, a guide for re-orienting the tablets from the substantially radial orientation in which the tablets are received by the cavities, to a substantially longitudinal direction, and carriers operatively associated with the conveyor system to receive the substantially longitudinally oriented tablets in a substantially longitudinal orientation. Also the method.

46 Claims, 5 Drawing Figures

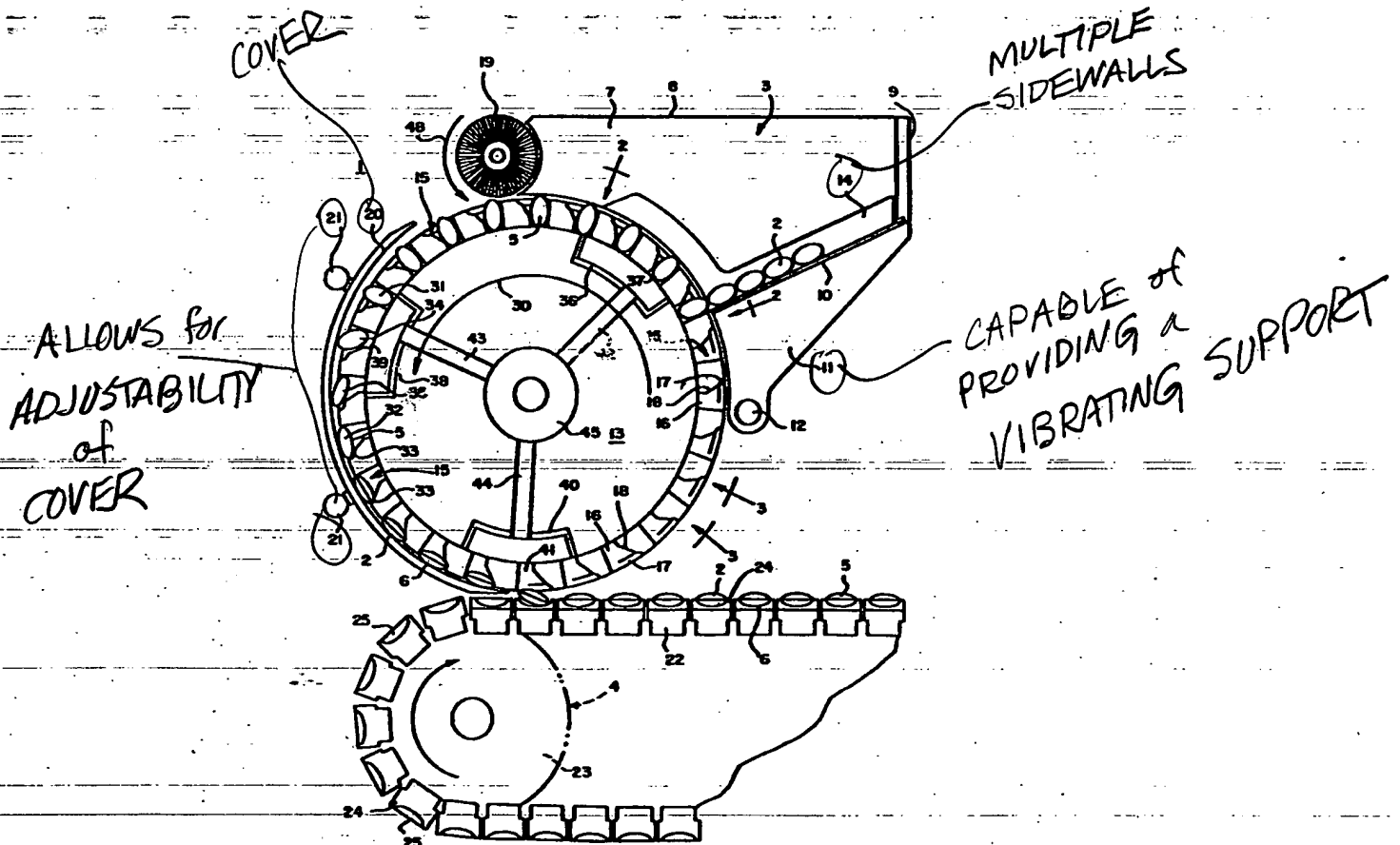


FIG. 1

